



# HOUSE BILL No. 5704

May 2, 2000, Introduced by Reps. Vander Roest, Spade, Birkholz, Kuipers, Garcia, Bishop and Richardville and referred to the Committee on Transportation.

A bill to amend 1993 PA 354, entitled  
"Railroad code of 1993,"  
by amending section 391 (MCL 462.391).

## THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1       Sec. 391. (1) A railroad OR AN EMPLOYEE OF A RAILROAD shall  
2 not permit a train to obstruct vehicular traffic on a public  
3 street or highway for longer than 5 minutes at any 1 time, except  
4 the obstruction shall not be considered a violation under the  
5 following circumstances:

6       (a) If the train is continuously moving in the same direc-  
7 tion at not less than 10 miles per hour for not longer than 7  
8 minutes.

9       (b) If the railroad can show that the incident occurred as a  
10 result of a verifiable accident, mechanical failure, or unsafe  
11 condition.

1       (2) A railroad OR AN EMPLOYEE OF A RAILROAD shall not permit  
2 successive train movements to obstruct vehicular traffic on a  
3 public street or highway until all vehicular traffic previously  
4 delayed by such train movements has been cleared.

5       (3) A railroad company shall not permit its employees to  
6 allow the activation of active traffic control devices at a rail-  
7 road grade crossing for more than 2 minutes if there is no inten-  
8 tion to move a train or track equipment through the crossing  
9 within 20 seconds to 60 seconds after the activation of the  
10 devices.

11       (4) Each offense under this section shall be a separate vio-  
12 lation punishable by a fine of not more than \$500.00 unless the  
13 railroad OR AN EMPLOYEE OF THE RAILROAD is willfully, deliberate-  
14 ly, and negligently blocking vehicular traffic and then the fine  
15 shall be not more than \$1,000.00 and the costs of prosecution.

16       (5) All fines civil or otherwise collected by a local unit  
17 of government in excess of \$10,000.00 annually from the enforce-  
18 ment of a local ordinance substantially similar to this section  
19 shall be allocated as follows:

20       (a) Fifteen percent shall be retained by each local unit of  
21 government for costs of enforcement of the ordinance.

22       (b) Eighty-five percent shall be deposited in a railroad  
23 grade crossing safety fund. The revenue collected in this fund  
24 shall be used solely for railroad grade crossing safety projects  
25 in these local units of government.